



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,709	01/06/2006	Jurgen Schmidt	PD030076	1607
24498 7590 06/30/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER				
RAHMAN, MOHAMMAD N				
ART UNIT		PAPER NUMBER		
2161				
MAIL DATE		DELIVERY MODE		
06/30/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/563,709

**Applicant(s)**

SCHMIDT, JURGEN

**Examiner**

MOHAMMAD N. RAHMAN

**Art Unit**

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 27 January 2010 PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

2. The examiner is here by withdrawing the Non-Final Office Action mailed on 06/01/2010. This Office Action is in response to applicant's communication filed 01/27/2010 in response to PTO Office Action mailed 10/27/2009. The Applicant's

remarks and amendments to the claims and/or the specification were considered with the results as follow.

***Response to Arguments***

3. Applicant's arguments filed with respect to **claims 1-12** have been considered but are moot in view of the new ground(s) of rejection by Jiro Katto, *et al.* "System Architecture for Synthetic/Natural Hybrid Coding and Some Experiments", IEEE TRANSACTIONS ON CIRCUITS AND SYSTEMS FOR VIDEO TECHNOLOGY, VOL. 9, NO. 2, MARCH 1999 (Pages 325 - 335).

***Claim Rejection – 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-12** are rejected under 35 U.S.C. 102 (b) as being anticipated by Jiro Katto, *et al.* "System Architecture for Synthetic/Natural Hybrid Coding and Some Experiments", IEEE TRANSACTIONS ON CIRCUITS AND SYSTEMS FOR VIDEO TECHNOLOGY, VOL. 9, NO. 2, MARCH 1999 (Pages 325 - 335).

**As per claim 1**, Jiro teaches, Method for decoding a data stream, containing a first and a second substream, the first substream containing first and second multimedia

data packets and the second substream (see page 326, col. 2 and paragraph 3) containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time (see page 330, col. 1 and paragraph 1), the method comprising the steps of:

- "extracting from said control information of the second substream first, second and third control data wherein the first control data are suitable for defining buffer size to be allocated (*see "The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, since, the media stream is packetized by encapsulating sequential data bytes from the elementary stream and the control parameters of the media stream allocates the buffer sizes*) the second control data are suitable for defining one or more second multimedia data packets to be buffered (*see "Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 3, 4 and also regarding "multimedia data packets to be buffered..." see page 326, col. 2 and paragraph 3*) and the third control data are suitable for defining a mode for buffering the second multimedia data packets" (*see Fig. 3 and "The count specifies the number of subsequent components, of which data structure is determined by the mode field. Currently, four modes are considered: replace, append, insert, and*

*remove..." at page 327, col. 2 and paragraphs 2 and 3, thus, the control data are being used appropriately for defining the different mode for buffering multimedia data packets).*

- *"allocating, in a buffer, buffer size according to the first control data (Length)" (see "The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, since, the control parameters of the media stream allocates the buffer sizes);*
- *"storing the first decoded multimedia data packets in the buffer" (see at Fig. 4 and "Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2, paragraph 3, thus, the decoded multimedia data packets are stored in the buffer) ; and*
- *"storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer" (see at Fig. 3 (a),(b) and 4 and "The count specifies the number of subsequent components, of which data structure is determined by the*

*mode field. Currently, four modes are considered: replace, append, insert, and remove..." at page 327, col. 2 and paragraphs 2 and 3, and "Replace sets new values, and append adds values to previous ones..." at page 328, col. 1, paragraph 1 and "Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2, paragraph 3, thus, the corresponding decoded multimedia data packets are being efficiently appended, replaced, inserted, removed and stored in a buffer).*

**As to claim 2**, Jiro teaches, "Method according to claim 1, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents" (see at Fig. 3 (a),(b) and page 327, col. 2 and paragraphs 2 and 3, and page 328, col. 1, paragraph 1 and page 328, col. 2, paragraph 3, thus, the corresponding decoded multimedia data packets are being efficiently appended, replaced, inserted, removed and stored in a buffer).

**As to claim 3**, Jiro teaches, "Method according to claim 2, wherein the third mode has two variations, wherein in the first variation the buffering of multimedia data packets stops when the buffer is full, and in the second variation previously buffered

data may be overwritten when the buffer is full" (see at Fig. 3 (a),(b) and page 327, col. 2 and paragraphs 2 and 3, and page 328, col. 1, paragraphs 1 and 2, since, in the replacement mode buffered data is being overwritten (replaced) when the buffer is full).

**As to claim 4**, Jiro teaches, "Method according to claim 1, wherein the method is utilized in an instance of a processing node and wherein the first control data defines the allocated buffer size at node creation time" (see at Figs. 2 (a) and 4 and page 328, col. 2 and paragraphs 3 and 5, Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." and "Buffers store compressed data. Their recommended sizes should be specified through the media stream properties in order to avoid buffer overflow and underflow. Memories store decoding results. Their sizes may be implicitly determined by picture sizes or audio frame periods that are contained in the stream properties or elementary streams themselves, as the data frame includes control data. Also see "...The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraphs 2 and 3).

**As to claim 5**, Jiro teaches, "Method according to claim 1, wherein labels are attached to the buffered first and other multimedia data packets, and the packets may be accessed through their respective label" (see Figs. 3(b) and 6 and "compose an independent elementary stream, be attached to an access unit that is a piece of an elementary stream (e.g., time stamps for a video frame)" at page 326, col. 1 and Para. 4 and col. 2, Para. 1 and "Fig. 3(b) shows the corresponding syntax for scene update to



*which time stamps may be attached when necessary" at page 327, col. 2 and Para. , and Page, 330, col. 1, Para. 1, thus, the "time stamp" is attached as a label to the buffered first and other multimedia data packets and accessed respectively).*

**As to claim 6**, Jiro teaches, "Method according to the claim 5, wherein a label attached to the buffered data packets contains an index relative to the latest received data packet" (see *at page 326, col. 1, Para. 4 and col. 2, Para. 1 and 2*, thus, the label attached to the buffered data packets includes an index (for e.g., lists of time stamps).

**As to claim 7**, Jiro teaches, "Method according to claim 1, wherein the first substream contains audio data and the second substream contains a description of the presentation" (see Fig. 1 (c) and "A scene-description format is attached to video/audio streams..." *at page 326, col. 1, Para. 2*).

**As to claim 8**, Jiro teaches, "Apparatus for decoding a data stream, the data stream containing a first and a second substream, the first substream containing first and second multimedia data packets and the second substream (see page 326, col. 2 and paragraph 3) containing control information, wherein the multimedia data packets contain an indication of the time when to be presented and are decoded prior to their indicated presentation time (see page 330, col. 1 and paragraph 1), and wherein the first and second multimedia data packets are buffered, comprising buffering means for said buffering of the first and the second multimedia data packets" (see *"Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 3, 4 and*

*also regarding "multimedia data packets to be buffered..." see page 326, col. 2 and paragraph 3);*

- "means for extracting from said control information of the second substream first, second and third control data, wherein the first control data are suitable for defining buffer size to be allocated, the second control data are suitable for defining one or more second multimedia data packets to be buffered, and the third control data are suitable for defining a mode for buffering the second a multimedia data packets" (see *"The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, since, the media stream is packetized by encapsulating sequential data and the control parameters of the media stream allocates the buffer sizes*) the second control data are suitable for defining one or more second multimedia data packets to be buffered (see *"Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 3, 4 and also regarding "multimedia data packets to be buffered..." see page 326, col. 2 and paragraph 3*) and the third control data are suitable for defining a mode for buffering the second multimedia data packets" (see *Fig. 3 and "The count specifies the number of subsequent components, of which data structure is determined by the mode field. Currently, four modes are considered: replace, append, insert, and remove..." at page 327,*

*col. 2 and paragraphs 2 and 3, thus, the control data are being used appropriately for defining the different mode for buffering multimedia data packets);*

- *"means for allocating, in the buffer, buffer size according to the first control data" (see "The media stream properties are containers of decoder control parameters. The parameters indicate compression algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, since, the control parameters of the media stream allocates the buffer sizes);*
- *"means for storing the first decoded multimedia data packets in the buffer" (see "Streams are separated by a demultiplexer into video, audio, scene-description, and control data. They are stored in buffers and decoded..." at, page 328, col. 2 and paragraphs 3, 4 and also regarding "multimedia data packets to be buffered..." see page 326, col. 2 and paragraph 3); and*
- *"means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer" (see Fig. 3 and "The media stream properties are containers of decoder control parameters. The parameters indicate compression*

*algorithm, bit rates, buffer sizes..." at page 326, col. 2 and paragraph 3, and Fig. 3 and "The count specifies the number of subsequent components, of which data structure is determined by the mode field. Currently, four modes are considered: replace, append, insert, and remove..." at page 327, col. 2 and paragraphs 2 and 3, thus, the control data are being used appropriately for defining the different mode for buffering multimedia data packets and depending on the control data the multimedia data packets are appended respectively).*

**As to claim 9**, Jiro teaches, "Apparatus according to claim 8, further comprising means for attaching labels to the buffered multimedia data packets, and means for accessing, retrieving or deleting the packets through their respective label" (see Figs. 3(b) and 6 and "compose an independent elementary stream, be attached to an access unit that is a piece of an elementary stream (e.g., time stamps for a video frame)" at page 326, col. 1 and Para. 4 and col. 2, Para. 1 and "Fig. 3(b) shows the corresponding syntax for scene update to which time stamps may be attached when necessary" at page 327, col. 2 and Para. , and Page, 330, col. 1, Para. 1, thus, the "time stamp" is attached as a label to the buffered first and other multimedia data packets and accessed respectively).

**As to claim 10**, Jiro teaches, "Apparatus according to claim 8, wherein the data stream is an MPEG-4 compliant data stream" (see "page 328, col. 1, paragraph 4 and col. 2, Para. 1, the MPEG-4 compliant data stream is described).

**As to claim 11**, Jiro teaches, "Method according to claim 1, wherein replacing the stored first decoded multimedia packets with the second multimedia data packets further comprises the step of clearing the buffer before storing the second multimedia data packets" (see at Fig. 3 (a),(b) and page 327, col. 2 and paragraphs 2 and 3, and page 328, col. 1, paragraph 1 and page 328, col. 2, paragraph 3, thus, the corresponding decoded multimedia data packets are being efficiently appended, replaced, inserted, removed and stored in a buffer).

**As to claim 12**, Jiro teaches, "Apparatus according to claim 8, wherein the third control data defines one of a plurality of operation modes, wherein in a first mode buffering of multimedia data packets is performed when the value of the first control data changes, and in a second and third mode the second control data are valid for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents" ("The count specifies the number of subsequent components, of which data structure is determined by the mode field. Currently, four modes are considered: replace, append, insert, and remove..." at page 327, col. 2 and paragraphs 2 and 3, thus, the control data are being used appropriately for defining the different mode for buffering multimedia data packets and depending on the control data the multimedia data packets are appended respectively).

### **Conclusion**

6. Examiner's Note: Examiner has cited particular columns and paragraphs in the reference applied to the claims above for the convenience of the applicant. Although specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which indicate(s) the structure relied on for proper interpretation and also to verify and ascertain in the metes and bounds of the claimed invention.

#### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad N Rahman/  
Examiner, Art Unit 2161

**Date: 06/25/2010**

/Apu M Mofiz/  
Supervisory Patent Examiner, Art Unit 2161